File No. 465

1985

Collection No.

Mysore Residency

Pros. / Serial No. only No 14-19 in file

1133

Subject

Extension of the Negotiable Instruments Act XXVI of 1881 to the C & M Station

Previous References.

Later References.

F 214/97

F 316/1909

F 366/1910

F 186/25

S 97. (Blue).

DCFP-825S&P-(G-1164)-28 3-29-14,500.

Proceedings,—

No. 465 of 1885

List of References.

Regr. No. 1885.

RESIDENT'S OFFICE.

From the Civil and Sessions Judge of the Civil and Military Station of Bangalore.

No. 1349.

Dated 31st August 1885. | Enc. Nil.

Received 1st September /85 | Spare copies. Nil.

Subject.

Extension of Act XXVI of 1881 (the Negotiable Instruments Act) to the Civil and Military Station of Bangalore.

Notes and orders.

Serial No. 14.

1. In the letter cited above, the Civil and Sessions Judge of the Civil and Military Station of Bangalore requests that Act XXVI of 1881 (the Negotiable Instruments Act) may be extended to the Station. The extention of the Act will, in Colonel Hill's opinion, facilitate the decision of questions of law which frequently arise in Cases brought upon Negotiable instruments in his Court.

(Continuation of Note ~~on Proving~~)

2. Soon after the Rendition and the assignment to the British Government of the tract now forming the Civil and Military Station of Bangalore, the Chief Judge of Mysore, who was at the time also the Chief Judge of the Station, recommended the Extension to the Station of the Enactments named below:—

(1) Act VIII of 1882 - An Act to amend the Indian Penal Code — Serial No. 1.

(2) Act X of 1882 — The Code of Criminal Procedure —

(3) Act XXVI of 1881 (The Negotiable Instruments Act) — Serial No. 2.

(4) Act VI of 1882 (The Indian Companies Act) — Serial No. 3.

(5) Act IV of 1882 (The Transfer of property Act) — Serial No. 4

(6) Act XIV of 1882 (The Code of Civil Procedure) — Serial No. 6

3. In letters Nos. 15/9 and 74/27 dated respectively the 18th and 13th April 1882 addressed to the Government of India in the Foreign Department, Sir James Gordon, who was Resident — Serial Nos. 5 & 7.

at

(Continuation of Note ~~on Précis~~)

at the time, recommended the extension to the Station of all the Acts named above.

Serial No. 9.

4. Subsequently in letter No. 1429/276 dated the 20th September 1882, addressed from this office to the Government of India in the Foreign Department, Mr J. D. Sandford, who was then officiating as Resident, recommended the extension of the Kazis Act (XII of 1880).

5 The Government of India thereupon issued one General Notification (No. 529. J. dated the 1st March 1883) in which they included all the Acts named above Except the Negotiable Instruments Act XXVI of 1881, the Act now under reference. In regard to this Act the Government of India stated in para 3 of

Enclosures to Serial No. 12.

Serial No. 12

letter No. 705. J. dated the 17th March 1883, that the

Act-

(Continuation of Note ~~on Précis~~)

Act had not been included in the Notification because it seemed desirable to reserve the question of extending ~~former~~ that Act for more deliberate consideration

6. No further communication on the subject has yet been received from the Government of India.

7. Under these circumstances, it is respectfully submitted that the attention of the Government of India may be invited to para 3 of its letter No. 705. J. dated the 17th March 1883, with a request that early orders may be passed on the subject as the Civil and Sessions Judge of the Civil and Military Station has recommended the Extension of the Act stating that it would facilitate the decision of questions of law regarding Negotiable instruments

Serial No. 12

Serial No. 14.

(Continuation of Note or Précis.)

Indian Paper Currency Act XX of 1882.

20. It will be seen from paragraphs ~~2 and 3~~ 2, 3 and 7 above that application was made from this Office for the extension of the Negotiable Instruments Act XXVI of 1881. The Government of India has now not only sanctioned the extension of that Act to the C & M Station but has also, of its own motion, extended the provisions of Sections ※ 25 & 26 of the Indian Paper Currency Act XX of 1882.

21. A copy of the Notification now received from the Government of India may, it is submitted, be sent to the Civil and Sessions Judge, C & M Station of Bangalore, for information. ~~and Guidance~~

22. A draft letter to the Civil & Sessions Judge is herewith submitted for approval.

HH
29/12/85

Issue J. HH 30.12.85

23. Draft issued accordingly 6.1.86.

※ These sections ~~prohibit~~ prohibit the issue of private Bills of Exchange or Promissory Notes and provide a penalty for issuing such bills or notes. The sections in question are connected with the Negotiable Instruments Act and therefore the Govt of India has extended them to the C & M Station along with that Act

HH
29.12.85.

1098

9 14

Mis: 928

No 1349

Civil and Sessions Court
Civil and Military Station
Bangalore 31st August
1885.

From,

The Civil and Sessions Judge.
Civil and Military Station
Bangalore.

To.

The Assistant
to the Resident
in Mysore.
Bangalore

Sir,

I have the honor to request that you will be so good as to lay before the Resident the desirability of moving the Government of India to extend Act XXVI of 1881, (the Negotiable Instrument Act) to the Civil and Military Station of Bangalore.

Its extension is in my opinion necessary to facilitate the decision of questions of law that arise frequently in cases brought upon such instruments in this Court.

I have the honor to be
Sir,
Your most obedient servant

J Mill

Civil and Sessions Judge

45

8 15

Resident's Office.

[DRAFT.]—For approval.

No. 2232
- 465.

( )

Bangalore the 11th Nov. 1885.

To

The Secretary to the
Government of India
Foreign Department

Sir

I have the honor to invite attention to paragraph 3 of letter No. 705 J. dated the 17th March 1883 from your office, in which it was stated that the question of extending Act XXVI of 1881 (the Negotiable Instruments Act) to the Civil and Military station of Bangalore was referred for the consideration of the Government of India but that it

Serial No. 12

SUBJECT.

Proceedings, No.

would receive attention as Early as possible.

2. I beg now to request that the Government of India may be pleased to pass Early orders on the subject as the Civil judge of the Civil and Military Station has only represented that the Extension of the Act would facilitate the decision of questions of law relating to negotiable instruments which frequently arise in his Court. I would remind you that this was also the opinion of my predecessors Sir James Gordon & Mr Sandford.

Serial No. 14

Chane &ca

8.11.85.

Officiating Resident

[illegible] 8.11.85

No. 4070 J.

Notification

Foreign Department

(Internal)

Fort William the 15th December 1885.

In exercise of the power conferred by sections 4 & 5 of the Foreign Jurisdiction and Extradition Act, 1879 and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the following enactments apply to the Civil and Military Station of Bangalore, to the extent and subject to the modifications hereinafter set forth.

XXVI of 1881	Negotiable Instrument Act	The words "British India" in section 11 shall be read as including the Civil and Military Station of Bangalore: for the said words in sections 20 136 & 137 there shall be read the words "The Civil and Military Station of Bangalore" and for the words "Local Government" in section 25 there shall be read the words "Resident in Mysore".

XX of 1882 Indian Paper Currency Act, Sec: 25 & 26. In section 25 for the words "British India" there shall be read the words "The Civil and Military Station of Bangalore" from section 26 sub-section (1) the words "a Presidency Magistrate or" shall be omitted, and for the portion of section 26 sub-section (2) beginning with the words "by the Head Commissioner" and ending with the words "made or issued" there shall be read the words ~~"made or issued"~~ "by a person empowered in this behalf by the Resident in Mysore with the sanction of the Governor General in Council."

(Signed) H. M. Durand
Secretary to the Government of India.

No. 4071 A

Copy of the foregoing forwarded to the Resident in Mysore, for information with reference to his letter No. 2232-465 dated the 11th November 1885.

Signed G. S. Forbes
Junior Under Secretary to the Government of India.

Foreign Department
Internal
Fort William
The 15th December 1885

Resident's Office.

[DRAFT.]—For approval.

No. 2461/465

Bangalore, the 3rd December 1885.

Serial No. 16

To

The Civil and Sessions Judge,
C & M Station of Bangalore

Sir

With reference to your reminder No. 1945 dated the 25th Novr 1885, I am directed to state that the proposal made in your letter No. 1349 of the 31st August last for the extension of the Negotiable Instruments Act (XXVI of 1881) to the C & M Stn of Bangalore has been submitted for the orders of the Government of India, and that the reply of that Government will be communicated to you as soon as it is received.

I have &ca.

[signature]
A.S.H. to the Resident

[initials]
1.12.85

SUBJECT.

Proceedings, No.

Draft - For Approval.

Resident's Office
D/ Bangalore 5th Jany 86

No. 14 + 1 Enc.
465

To

The Civil and Sessions Judge,
C & M Station of Bangalore.

Sir,

Sl. No. 17

With reference to the correspondence ending with letter No. 2461/465 dated the 3d December 1885 from this Office to your address, I am directed to forward herewith for your information a copy of a Notification No. 4070 J. dated the 15th December 1885 issued by the Government of India in the Foreign Department, extending the provisions of the Negotiable Instruments Act XXVI of 1881 and of sections 25 and 26 of the Indian Paper Currency Act XX of 1882 to the Civil and Military Station of Bangalore.

Sl. No. 18.

I have &c.

[illegible]
Apt to the President

[illegible]
29 ~~28~~/12/85